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Office of the Attorney General Counsel for Defendants

IN THE DISTRICT COURT OF GUAM

YE-KYOUNG KIM,

Plaintiff,

v.

UNIVERSITY OF GUAM, *et.al.*

Defendants.

CIVIL CASE NO. 23-00026

COVER SHEET FOR THE PARTIES  
COMPETING SCHEDULING AND  
CONFERENCE REPORT

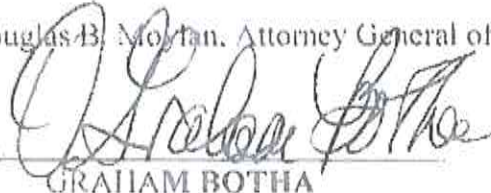
COMES NOW, Office of the Attorney General, counsel for the Defendants, who hereby  
Provides the Plaintiff's scheduling and conference report and the Defendant's version of the  
scheduling and conference report. The Defendants, through counsel, received the Plaintiff's  
scheduling report on February 5, 2024. The parties do not seem to be in agreement at this time.

1 Once the Defendant's received the Plaintiff's report did it became clear that the parties reports  
2 are different and that it would seem appropriate to provide both reports to the Court for review.

3 Respectfully submitted this 6<sup>th</sup> day of February, 2024 by:

4  
5 **OFFICE OF THE ATTORNEY GENERAL**

6 Douglas B. Morlan, Attorney General of Guam

7  
8   
GRAHAM BOTHA

9 Deputy Attorney General

10  
11 

12 **WILLIAM B. POLE**

13 Special Assistant Attorney General

14 **Certificate of service**

15 I hereby certify that on Tuesday, February 6, 2024, I electronically transmitted this  
16 Cover sheet and attached proposed rule 16 Discovery Plans to the Clerk to the Court  
17 using the ECF System for filing and transmitting a Notice of Electronic Filing to All ECF  
18 registrants and to the pro se Plaintiff at the following email: yekyoung\_kim@yahoo.com  
19

20  
21 

22 **William B. Pole, Esq.,**

23 Special Assistant Attorney General  
24  
25  
26  
27  
28

# Cover Sheet for **PLAINTIFF'S** SCHEDULING AND PLANNING CONFERENCE REPORT

1 YE-KYOUNG KIM  
2 Misa ShinAn Apt. 3207-2304  
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5 Email: yekyoung\_kim@yahoo.com

6 *Appearing as Pro Se Plaintiff*

7 IN THE DISTRICT COURT OF GUAM

8 YE-KYOUNG KIM,	)	CIVIL CASE NO. 23-00026
	)	
9 Plaintiff,	)	
	)	SCHEDULING AND PLANNING
10 v.	)	CONFERENCE REPORT
	)	
11 UNIVERSITY OF GUAM, et al.	)	
	)	
12 Defendants.	)	
	)	

13  
14 **I. Meeting.** In accordance with Rule 26(f) of the Federal Rules of Civil Procedure and the  
15 Civil Local Rules (CVLR) 16-1 for the District Court of Guam, a meeting was held on January  
16 31, 2024 and attended by Ye-Kyoung Kim (Plaintiff, self-represented), Graham Botha (Deputy  
17 Attorney General, co-representative of Defendants), and William B. Pole (Special Assistant  
18 Attorney General, co-representative of Defendants). Both parties reached an agreement that the  
19 plaintiff takes the lead in compiling and filing the joint Scheduling and Planning Conference  
20 Report (the Report) and the content of the Report would be based on their respective positions.  
21  
22

23 **II. Disclosures.** The information required by Fed. R. Civ. P. 26(a):

24 **Plaintiff:**

25 In compliance with the requirements of Fed. R. Civ. P. 26(a), the plaintiff acknowledges the  
26 following regarding initial disclosures:  
27  
28



1 A. ☐ Has been exchanged by the parties.

2 B. ☒ Will be exchanged by the parties on or before April 4, 2024

3 This exchange will include, but is not limited to, the following:

4 (1) A copy or a description by category and location of all documents, electronically stored  
5 information, and tangible things that the disclosing party has in its possession, custody, or  
6 control and may use to support its claims or defenses.

7 (2) A computation of each category of damages claimed by the disclosing party, making  
8 available for inspection and copying the documents or other evidentiary material on  
9 which each computation is based, including materials about the nature and extent of  
10 injuries suffered.

11 (3) Any insurance agreement under which an insurance business may be liable to satisfy all  
12 or part of a possible judgment in the action or to indemnify or reimburse for payments made to  
13 satisfy the judgment.

14  
15  
16  
17 **Defendants:**

18 The parties that discovery should move forward, and that information required by Fed.R.Civ.P.  
19 26(a) should be exchanged on or before March 6, 2024 or 15 days after the first scheduled  
20 Discovery conference in this case.

21  
22 **III. Nature and Basis of Claims and Defenses:**

23 **Plaintiff:**

24  
25 A. The basis and nature of the case is as follows:

26 1. Basis of Plaintiff's Claims:

27 • Legal Grounds:  
28

1 Ye-Kyoung Kim, representing herself as the plaintiff, initiated a civil lawsuit (Case No. 23-  
2 00026) on November 21, 2023, in the District Court of Guam against the University of Guam  
3 (UOG) and its six senior officials. The lawsuit alleges employment discrimination under Title  
4 VII of the Civil Rights Act and the Age Discrimination in Employment Act. These claims cite  
5 discrimination, harassment, and retaliation based on race, national origin, and age.  
6

7  
8 • Administrative Procedure Compliance:

9 Plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC) on  
10 April 28, 2022, and received a Notice of Right to Sue on August 25, 2023, stating that while the  
11 EEOC would not proceed further with its investigation, this does not imply the claims lack merit  
12 or certify the respondent's compliance with statutes.  
13

14 2. Nature of Plaintiff's Claims:

15 • Relevant Facts:

16  
17 I am a Korean woman, a citizen of the Republic of Korea, 55 years old, and a non-native  
18 English speaker. When I applied for the position of Associate Director of Global Learning and  
19 Engagement (GLE) Office at the University of Guam in August, 2021, I was 53 years old. I  
20 earned a PhD in Education from Ohio State University in 2006. I have over 20 years of  
21 combined experience in teaching, research, service, and leadership in education in the U.S. and  
22 internationally and I have over 20 published works in English.  
23

24 On September 10, 2009, I filed an EEOC charge against UOG based on race, national  
25 origin, and sex where I was the first Korean female professor on the TESOL and IT Faculty.  
26 The claim was resolved in a settlement agreement on January 12, 2010.  
27  
28

1 On August 26, 2021, I applied for the position of Associate Director of GLE. Despite being  
2 well-qualified and a former employee at UOG, the plaintiff was overlooked for the position.  
3 Instead, the university selected a considerably younger individual of Chamorro, Pacific Islander  
4 descent, Ms. Amanda Blas. This individual, who does not hold a doctoral degree, reportedly  
5 possesses credentials that do not meet the university's established standards. There are concerns  
6 that the selection decision was influenced by members of the search committee who share an  
7 ethnic background with the chosen candidate and are allegedly involved in conflicts of interest.  
8 This selection appears to have favored a candidate lacking the requisite professional  
9 qualifications. The complexity of the case is heightened by the fact that this individual not only  
10 received a promotion within the GLE office, integrating her previous role with the new one but  
11 also obtained a substantial 42% salary increase within a mere 30 months of her employment at  
12 UOG. These actions raise serious concerns about the university's adherence to ethical, fair, and  
13 merit-based hiring and promotional practices (see ECF No. 1)

14  
15  
16  
17 • Allegations:

18 The following list identifies some of the allegations and liability of university officials in  
19 employment discrimination cases under Title VII of the Civil Rights Act and the Age  
20 Discrimination in Employment Act (see ECF No. 31).

21 (1) Pattern of Discriminatory Practices: The Plaintiff's tenure at the University of  
22 Guam since August 2007, as the first Korean female professor in the TESOL and IT Faculty, was  
23 characterized by consistent racial and national origin discrimination. This manifested in systemic  
24 disparities in promotion, benefits allocation, and preferential treatment compared to non-Korean  
25 peers. Such discriminatory practices led to exclusion and unequal opportunities, violating  
26 employment laws against race and national origin discrimination, as well as retaliation.  
27  
28



1           (2) Irregularities, Bias, and Neglect in Hiring Processes: In the 2021 Global Learning  
2 and Engagement Office's Associate Director hiring at UOG, the Plaintiff faced blatant  
3 irregularities: rushed interviews, opaque procedures, and quorum deficits, violating Title VII and  
4 ADEA standards. The ethnically uniform committee's bias, promoting an underqualified insider,  
5 indicates discriminatory practices and conflicts of interest, undermining fair employment  
6 principles

7  
8           (3) Retaliatory Actions: Subsequent to the Plaintiff's formal complaints and EEOC  
9 charges against the University, a series of retaliatory actions were observed. These actions  
10 exacerbated a hostile work environment, further substantiating the claims of retaliation in  
11 violation of anti-discrimination laws.

12  
13           (4) Violations of University Policies and Federal Laws: The University's failure to  
14 adhere to its own policies and federal laws is evident in multiple instances of the hiring (or  
15 promotion) process. These violations include but are not limited to the appointment of search  
16 committee members, final decision-making authority, and conflicts of interest among the  
17 individual defendants.

18  
19           (5) Procedural Anomalies, Irregularities, and Neglect: The Plaintiff's experiences as an  
20 Invited Adjunct Professor between 2014-2017 and subsequent applications for various full-time  
21 positions at the University were consistently met with administrative neglect, lack of guidance,  
22 and procedural irregularities. These conditions indicate a discriminatory environment and a  
23 disregard for fair employment practices.

24  
25           (6) Exclusionary, Preferential, and Unequal Treatment: The Plaintiff's repeated  
26 unsuccessful attempts to secure full-time positions at the University between 2014-2021, despite  
27 extensive qualifications and contributions to the University, suggest a pattern of exclusion and  
28



1 inequality and preferential treatment of other candidates based on race, national origin, and age.

2 (7) Conflict of Interest: Conflicts of Interest in UOG Hiring: The defendants, closely  
3 connected as UOG alumni, formed a biased search committee for Global Learning and  
4 Engagement roles, exhibiting exclusion, biased practices, and preferential treatment. This  
5 compromised process, reflecting practical inequality and questionable decision-making, aligns  
6 with Title VII and ADEA violations, directly causing the alleged discrimination, essential in  
7 countering a motion to dismiss.  
8

9 (8) Impartiality Breach in UOG Hiring: The rapid promotions at UOG, led by  
10 unqualified directors Mr. Taitano (GLE director) and Ms. Moore-Linn (Former GLE director),  
11 violated university and impartiality policies. Familial ties within the committee, especially Dr.  
12 Hattori-Uchima's connections, suggest nepotism and integrity breaches, indicating potential Title  
13 VII and ADEA employment discrimination. The committee's composition raised serious  
14 concerns of partiality, notably including the presence of Dr. Sharleen Santos-Bamba, an  
15 esteemed alumnus, further complicated the matter as her doctoral dissertation advisor was the  
16 elder sister of Dr. Hattori-Uchima, a respected professor of Chamorro studies at UOG.  
17

18 (9) Compromised Hiring Integrity Due to Familial Ties: The GLE Search Committee's  
19 intricate familial connections, especially between Dr. Sharleen Santos-Bamba and the Hattori-  
20 Uchima sisters, raise serious concerns about the impartiality and integrity of the hiring process.  
21 This scenario, fraught with questionable qualifications and relationships, not only undermines  
22 procedural integrity but also points to potential employment discrimination and retaliation based  
23 on race and national origin, warranting a comprehensive legal review under Title VII and ADEA.  
24

25 (10) Nepotism and Favoritism Violating EEO Standards: The presence of nepotism  
26 and favoritism within the committee, as evidenced by close familial ties, directly contravenes  
27  
28

1 University policies and federal EEO standards. These practices indicate a clear breach of the  
2 principles of fair and equitable employment, necessitating legal action to investigate and rectify  
3 possible violations of Title VII and ADEA.  
4

5 (11) Persistent Discriminatory Practices and Policy Breaches: The plaintiff highlights  
6 a sustained pattern of discriminatory practices by the defendants, including biased hiring,  
7 favoritism, and retaliatory actions that violate both university policies and federal laws. This  
8 pattern, which breaches the terms of a previous EEOC mediation settlement, has caused  
9 considerable professional and personal harm to the plaintiff, indicative of ongoing violations  
10 under Title VII and ADEA.  
11

12 (12) Systematic Exclusion in Employment Opportunities: From 2014 to 2021, despite  
13 possessing extensive expertise and qualifications, the plaintiff's repeated attempts to secure full-  
14 time positions at UOG were met with consistent failure, including a lack of interview  
15 opportunities. This concerning pattern of disregard, potential bias, and discrimination, including  
16 workplace harassment and retaliation, reflects a systemic issue in UOG's hiring and promotion  
17 practices across various units, suggesting a deep-rooted problem under Title VII and ADEA.  
18

19 (13) Ethnic Nepotism and Confidentiality Breaches: The allegations against Mr.  
20 Joseph Gumataotao at the University of Guam underscore severe Title VII and ADEA violations,  
21 notably ethnic nepotism in the GLE Associate Director hiring process, violating UOG's fair  
22 hiring standards. Moreover, Gumataotao's handling of sensitive information, breaching  
23 confidentiality, further undermines trust and integrity in university operations.  
24

25 (14) Neglect in EEO Handling and Disregard for Guidelines: Gumataotao's failure to  
26 effectively address an EEO complaint, especially following the EEO Director's death, points to a  
27 neglect of duty and procedural lapses. These actions collectively reflect a clear disregard for  
28



1 nondiscrimination and harassment guidelines, potentially implicating the University in  
2 significant liability under federal employment laws.

3 (15) Breach of University Policy and Fair Employment Standards: UOG General  
4 Counsel, Mr. Anthony Camacho's EEOC statement highlights a significant breach of University  
5 Board of Regents policy and fair employment standards in UOG's GLE Associate Director  
6 selection. The committee's overemphasis on interview performance, ignoring other crucial  
7 qualifications, notably disregarded the only candidate with a relevant doctoral degree and  
8 extensive experience, suggesting a profound lapse in UOG's hiring integrity.  
9

10 (16) Qualifications Overlooked Implying Discrimination and Need for Legal Action:  
11 The restricted evaluation method, documented in over 400 pages of FOIA records, not only  
12 undermines the integrity of UOG's hiring process but also suggests potential employment  
13 discrimination, harassment, and retaliation based on race, national origin, and age. This flagrant  
14 violation of university policies and federal laws, further substantiated by the complainant's  
15 acquisition of crucial FOIA documents, calls for immediate judicial scrutiny and legal  
16 intervention.  
17

18 (17) Conflict of Interest in Committee Appointments and Discriminatory Practices:  
19 The Plaintiff's Complaint reveals a significant conflict under Title VII of the Civil Rights Act at  
20 the University of Guam, where Dr. Anita Borja Enriquez, in her dual role as Senior Vice  
21 President and Provost (now President), appointed members to the GLE Search Committee who  
22 are now involved in discriminatory employment practices. This situation highlights a paradox in  
23 her responsibilities and suggests a breach of the required standards for fair and impartial  
24 employment practices.  
25  
26  
27  
28



1 (18) Compromised Impartiality in EEO Adjudication: Further complicating matters, Dr.  
2 Enriquez's role in adjudicating EEO complaints, which necessitates impartiality, is called into  
3 question due to her involvement in the appointment process. Her dual capacity raises serious  
4 concerns about her ability to objectively handle sensitive EEO issues, thereby undermining the  
5 integrity and credibility of the university's processes for resolving such vital employment  
6 matters.  
7

8 (19) EEOC Charge: On April 28, 2022, the Plaintiff filed a charge of employment  
9 discrimination, harassment, and retaliation against the Defendants with the U.S. Equal  
10 Employment Opportunity Commission in this matter (EEOC Charge No. 486-2022- 00620).  
11

12 (20) EEOC Notice of Right to Sue: On August, 25, 2023, the EEOC issued a notice of  
13 right to sue to the Plaintiff, stating that while the EEOC would not proceed further with its  
14 investigation, this does not imply the claims lack merit or certify the respondent's compliance  
15 with statutes.  
16

17 (21) FOIA Evidence of Discriminatory Hiring Practices: Over 400 pages of Freedom  
18 of Information Act (FOIA) documents reveal restrictive evaluation methods in UOG's hiring  
19 processes, indicating grave violations of hiring integrity and suggesting potential employment  
20 discrimination, harassment, and retaliation. These findings, implicating both Title VII and  
21 ADEA violations, highlight a significant breach of university policies and federal laws.  
22

23 (22) Need for Judicial Scrutiny and Legal Action: The procurement of these FOIA  
24 records, particularly after receiving a right-to-sue letter from the EEOC, underscores the urgency  
25 for thorough judicial examination. This evidence necessitates immediate legal intervention to  
26 address and rectify the critical issues of discriminatory practices and policy violations at UOG.  
27  
28

1 B. The posture of the case, including hearings and motions is as follows:

2 1. Defendants' Representation (December 11, 2023): The Office of Attorney General  
3 appeared as counsel for the defendants. A FRCP Rule 12(b)(6) Motion to Dismiss the Plaintiff's  
4 Complaint was filed but lacked required documents per Civil Local Rule 12.  
5

6 2. Plaintiff's Counteractions: Request for Entry of Default (December 21, 2023): Filed  
7 due to defendants' failure to meet procedural requirements (ECF No. 29).

8 3. Opposition to Motion to Dismiss (January 2, 2024): The plaintiff filed a  
9 comprehensive opposition to the defendants' motion to dismiss.  
10

11 4. Response to Defendants' Objection (January 18, 2024): Filed to reaffirm the Request  
12 for Entry of Default based on defendants continued procedural non-compliance (ECF No. 35).

13 5. Pro Se Representation Challenge: As a self-represented plaintiff in Guam, I have  
14 navigated EEOC investigations and court litigation for two years, underscoring my persistent but  
15 unsuccessful efforts to secure legal representation from the Guam Bar Association and the Office  
16 of Attorney General. Despite meticulously following procedural protocols and strategically  
17 countering defendants' actions, the case's complexity and the specialized nature of federal civil  
18 litigation in academic employment law emphasize the critical necessity for expert legal counsel.  
19

20 6. Scheduling and Planning Conference by the Plaintiff and Defendants: The conference  
21 was conducted via videoconferencing on January 31, 2024 at 11:45 am-12:00 pm (Guam time).  
22 The plaintiff initiated contact for a conference to meet, confer, and prepare the (Joint);  
23 Scheduling and Planning Report (the Report); took the lead in compiling and filing the Joint  
24 Report and the Report was filed on February 5, 2024 mandated by federal rules FRCP 16(b),  
25 26(f), and local rules CVLR 16-1 and 26.  
26  
27  
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1 7. Scheduling Conference: Set to be heard via videoconferencing before the Magistrate  
2 Judge Michael J. Bordallo on February 20, 2024 at 9:45 am to 10:00 am.

3  
4 **Defendants:**

5 A. The nature of the case is as follows: The Plaintiff pro se has filed a complaint for a Title VI  
6 Violation, a ADEA claim, and an EEOC Complaint.

7  
8 B. Defendants

9 I. Defendants deny there is sufficient facts to make a Title VII and ADEA Claims.

10 II. Defendant denies there is sufficient facts plead to show discrimination.

11 III. Defendants deny there is jurisdiction to make the six defendants that are employees of the  
12 University of Guam Defendants.

13 IV. Defendants deny that there is any jurisdiction to hear any untimely claims.

14 V. Defendants deny that there is jurisdiction to hear any claims raised for the first time.

15  
16 The Pro Se Plaintiff has filed the following motions:

17 I. Motion for entry of Default (ECF 29)

18 Defendant Government of Guam has filed the following motions:

19 I. Motion to Dismiss (ECF 18)

20  
21 **IV. Waiver of Pretrial Requirements:**

22 The parties request the court ☐ waive ☐ do not waive the pretrial requirements of CVLR  
23 16-1(e) through (h). *(If the request is made, the Scheduling and Planning Conference Report*  
24 *shall contain a comprehensive discovery schedule that will permit the trial to be set within six*  
25 *(6) months of the date of the Scheduling Conference.)*

26 **Plaintiff:**

27 The plaintiff requests the court ☒ do not waive the pretrial requirements of CVLR 16-1(e)

28 through (h). Waiving these requirements might limit the depth of pretrial activities, which could



1 disadvantage the plaintiff, especially in a complex employment discrimination case where  
2 detailed discovery and preparation are crucial.

3  
4 **Defendants:**

5 The parties request the court waive the pretrial requirements of CVLR 16-1(e)–(h).

6  
7 **V. Discovery Plan:** The parties jointly propose to the court the following Discovery Plan.

8 **Plaintiff:**

9 A. The plaintiff expects that discovery will be needed on the following issues:

10 Plaintiff's Discovery Issues:

- 11
- 12 (1) Nature of Employment: Detailed information about the plaintiff's employment history  
13 with the defendant organization, including job titles, responsibilities, duration of  
14 employment, and any relevant communications or evaluations.
- 15 (2) Alleged Discriminatory Acts: Specific instances of alleged discrimination, including  
16 dates, locations, parties involved, and the nature of the discriminatory acts.
- 17 (3) Policies and Procedures: Documents pertaining to the employer's policies and  
18 procedures, especially those related to equal employment opportunities, harassment, and  
19 the process for filing and addressing complaints of discrimination.
- 20 (4) Witness Information: Identification of individuals (including potential witnesses) who  
21 may have knowledge relevant to the issues in the case.
- 22 (5) Adverse Employment Actions: Details of any adverse employment actions taken against  
23 the plaintiff, including demotions, denial of promotions, salary reductions, and  
24 termination, along with corresponding reasons given by the employer.
- 25  
26  
27  
28

1 (6) Comparative Evidence: Information about similarly situated employees who were treated  
2 differently than the plaintiff, if applicable.

3 (7) Damages and Remedies: Documentation relating to the plaintiff's damages, including lost  
4 wages, emotional distress, and any other relevant financial or non-financial losses.  
5

6 B. Are there issues about preserving discovery information? ☒ Yes ☐ No.

7 Given the reliance on digital communication, it is crucial to preserve all relevant emails,  
8 internal communications, and electronic personnel records to prevent data loss or  
9 destruction.  
10

11 C. Disclosure or discovery of electronically stored information should be handled as follows:

12 Plaintiff proposes that Electronically Stored Information (ESI) be exchanged in  
13 commonly used formats (like PDFs for documents, JPEGs for images) and that both  
14 parties agree on a method for organizing and labeling these documents for easy  
15 identification.  
16

17 D. Claims of privilege or of protection of trial preparation materials.

- 18 1. ☐ There is no indication that this will be an issue.  
19 2. ☐ The parties have entered into a confidentiality agreement.  
20 3. ☒ The parties will submit their proposed confidentiality agreement on or before:  
21 March 5, 2024

22 The Plaintiff proposes the execution of a confidentiality agreement by the established  
23 due date.

24 E. Disclosure of expert reports:

- 25 1. ☒ By all parties on or before: September 20, 2024  
26 2. ☐ By plaintiff(s) on or before:  
27 3. ☐ By defendant(s) on or before:  
28 4. ☒ Rebuttal reports on or before: October 21, 2024

1 F. Time for completing discovery:

- 2 1. Fact discovery will be completed on or before: July 7, 2024
- 3 2. Expert discovery will be completed on or before: August 7, 2024
- 4 3. All discovery will be completed on or before: [August, 20, 2024] 8/20/2024.<sup>1</sup>

5 G. Optional Modifications on Discovery.

- 6 1. ☒ The limitations contained in Fed. R. Civ. P. 26(b), 30, and 33 will apply except
- 7 as indicated below. The plaintiff agrees with the standard limitations and has no
- 8 additional requests.
- 9 2. ☐ The maximum number of depositions by each party will not exceed.
- 10 i. Depositions will not exceed (10) hours as to any deponent, keeping in line with
- 11 Fed. R. Civ. P. 30(d)(1).
- 12 ii. Depositions will not exceed (10) hours as to non-party deponents.
- 13 iii. Depositions will not exceed will not exceed 10 hours as to party deponents.<sup>2</sup>
- 14 iv. The maximum number of interrogatories posed by each party will not exceed
- 15 (25).
- 16 v. The maximum number of requests for admissions posed by each party will not
- 17 exceed (25).
- 18 vi. Other limitations:

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27 <sup>1</sup> Defined as the last day to file responses to discovery.

28 <sup>2</sup> Unless otherwise specified, the court will consider corporate officer, Rule 30(b)(6) witness, and expert witness depositions to be subject to the time limitation applicable to party depositions.



1 **Defendants:**

2 The Parties agree on moving forward discovery.

3 A. In the event that neither parties motions are granted; the parties expect that discovery  
4 will be needed on the following issues:

- 5  
6 1. Plaintiff pro se anticipates: The need for interrogatories, production of documents,  
7 and admissions concerning:

8 Further, at a minimum plaintiff has identified the following individuals for possible  
9 depositions, which might then require additional discovery:

- 10 a. Other individuals as may be identified in discovery.

- 11  
12 2. Defendants Discovery anticipates taking plaintiff's deposition and other individuals  
13 as may be identified in discovery:

14 B. Are there issues about preserving discovery information? ☐ Yes ☒ No.

15  
16 C. Disclosure or discovery of electronically stored information should be handled as  
17 follows:

18 D. Claims of privilege or of protection of trial preparation materials.

- 19 1. ☒ There is no indication that this will be an issue.

20  
21 E. Disclosure of expert reports:

- 22 1. By all parties on or before: October 15, 2024.  
23 2. By plaintiff(s) on or before: September 3, 2024.  
24 3. By defendant(s) on or before: September 17, 2022.  
25 4. Rebuttal reports on or before: October 16, 2022.

26  
27 F. Time for completing discovery:

- 28 1. Fact discovery will be completed on or before: November 8, 2024;

1 2. Expert discovery will be completed on or before: October 22, 2024;

2 3. All discovery will be completed on or before: November 2, 2024<sup>1</sup>.

3  
4 G. Optional Modifications on Discovery.

5 1. The limitations contained in Fed. R. Civ. P. 26(b), 30, and 33 will apply except as  
6 indicated below;

7 i. Depositions will not exceed two (2) hours as to any deponent per day, but as by  
8 agreement, for a total of seven hours per party<sup>2</sup>.

9 ii. Depositions will not exceed two (2) hours as to non-party deponents per day, but  
10 as by agreement, for a total of seven hours per party.

11 iii. Depositions will not exceed two 2 hours as to party deponents, per day, but as  
12 agreement of the parties, for a total of seven hours per party.<sup>3</sup>

13 iv. The maximum number of interrogatories posed by each party will not exceed 40.

14 v. The maximum number of requests for admissions posed by each party will not  
15 exceed 40.

16 vi. Other limitations:  
17

18  
19 **VI. Pretrial Motions.**

20 These deadlines should allow sufficient time for both parties to prepare and respond, while  
21 also considering the court's schedule.

22  
23 **Plaintiff:**

24 A. All motions to add parties shall be filed on or before April 20, 2024

25 B. All motions to otherwise amend pleadings shall be filed on or before April 20, 2024

26 C. All discovery motions shall be filed on or before August 20, 2024

27 D. All dispositive motions shall be filed on or before November 20, 2024  
28

1 **Defendants:**

- 2 A. All motions to add parties shall be filed on or before September 16, 2024.  
3 B. All motions to otherwise amend pleadings shall be filed on or before  
4 September 16, 2024.  
5 C. All discovery motions shall be filed on or before November 5, 2024.  
6 D. All dispositive motions shall be filed on or before November 29, 2024.

7 **VII. Trial.**

8 **Plaintiff:**

- 9 A. The case is expected to take 4-5 days to try.  
10 B. 1. A jury trial has been demanded. ☒ Yes ☐ No.  
11 2. The right to a jury trial ☒ is ☐ is not disputed.  
12 C. The Plaintiff requested a trial date of [April 28, 2025] 4/28/2025.<sup>3</sup>

13  
14 **Defendants:**

- 15 A. The case is expected to take 2 days to try.  
16 B. Jury Trial  
17 1. The Plaintiff; pro se has asked for a Jury Trial  
18 2. There is no right to for a Jury Trial.  
19 A. The Plaintiff request a trial date of February 13, 2025.  
20 1. That a Pretrial Conference be scheduled two weeks before trial.  
21 2. That two weeks before the scheduled pretrial conference that void ire, Proposed jury  
22 instructions, and trial brief of the parties be required.  
23  
24  
25  
26  
27

28 <sup>3</sup> In no event shall the trial be later than eighteen (18) months after the complaint is filed, unless the Court otherwise allows).



VIII. Other Provisions:

Plaintiff:

A. ☒ The plaintiff does not request a conference with the court before the entry of a Scheduling and Planning Order. The plaintiff has been able to manage the key scheduling and planning elements of the case without the need for additional court intervention at this stage.

B. The disclosure requirements of Fed. R. Civ. P. 7.1, if applicable:

1. ☐ Have been complied with.
2. ☐ Compliance will be accomplished on or before.  
Not applicable.

C. Early settlement/alternative dispute resolution.

1. ☐ The parties certify that they have complied with the provisions of CVLR Rule 16-2(c)(1).

2. Do the parties wish to consider ☐ private mediation, ☐ arbitration, or settlement conference with a judicial officer of this court? ☐ Yes ☒ No. If No, explain.

Given the nature of the case and the issues at hand, the plaintiff believes that proceeding directly to trial will be the most effective method of resolving this dispute. The plaintiff initially demanded a jury trial for this reason. However, the plaintiff filed the request for an entry of default, reflecting the defendant's failure to respond or engage with the legal proceedings in a timely and appropriate manner.

D. The parties present the following suggestions for shortening trial.

None.

1 E. The following issues will also affect the status or management of the case:

2 As a dedicated plaintiff, I am fully prepared to take all necessary legal actions to  
3 protect my rights and interests, should the court decide against granting an entry of  
4 default. This commitment includes filing pertinent motions and exploring alternative  
5 remedies, all in the pursuit of a fair resolution. I place my trust in the court's recognition  
6 of the defendant's apparent neglect of legal principles such as fairness and accountability.  
7 The court's decision on the entry of default will significantly reflect on the enforcement  
8 of legal responsibilities in this process. I respectfully highlight the importance of this  
9 decision and assure the court of my unwavering determination to seek justice and take  
10 further legal steps as required.  
11  
12

13 **Defendants:**

14 A. Early settlement/alternative dispute resolution.

15 1. ☐ The parties certify that they have complied with the provisions of CVLR Rule 16-  
16 2(c)(1).  
17

18 2. Do the parties wish to consider ☐ private mediation, ☐ arbitration, or ☒ settlement  
19 conference with a judicial officer of this court? ☒ Yes ☐ No. If No, explain.  
20

21 B. The parties present the following suggestions for shortening trial. None  
22 at this time.

23 C. The following issues will also affect the status or management of the case:

- 24 1. Request of Plaintiff would request to be allowed to amend complaint if Defense  
25 motions to dismiss would otherwise be granted.  
26  
27 2. Defendant Government of Guam plans to file a request for interlocutory relief if  
28 motions to dismiss are not granted.

1  
2 DATED: \_\_\_\_\_

\_\_\_\_\_  
YE-KYOUNG KIM

3  
4  
5 DATE: \_\_\_\_\_

\_\_\_\_\_  
Botha Graham, Deputy Attorney General,  
co-counsel for Defendants

6  
7  
8 DATE: \_\_\_\_\_

\_\_\_\_\_  
William B. Pole, Special Assistant Attorney General,  
co-counsel for Defendants



Cover Sheet for  
**DEFENDANT'S**  
**PROPOSED**  
**WORKING DRAFT**  
**SCHEDULING AND**  
**PLANNING**  
**CONFERENCE**  
**REPORT**



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Office of the Attorney General Counsel for Defendants

IN THE U.S. DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

YE-KYOUNG KIM,

Plaintiff,

v.

UNIVERSITY OF GUAM, et. al.

CIVIL CASE NO. 23-00026

**PROPOSED**  
**Working Draft**  
**SCHEDULING AND PLANNING**  
**CONFERENCE REPORT**

I. **Meeting.** In accordance with Rule 26(f) of the Federal Rules of Civil Procedure, and CVLR 16-1 for the District Court of Guam, a meeting was held on January 31, 2024 and was attended by:

YE-KYOUNG KIM, pro se Plaintiff;

Botha Graham, Deputy Attorney General, co-counsel for Defendants

William B. Pole, Special Assistant Attorney General, co-counsel for Defendants

II. **Disclosures.** The information required by Fed.R.Civ.P. 26(a):

1 The parties that discovery should move forward, and that information required  
2 by Fed.R.Civ.P. 26(a) should be exchanged on or before March 6, 2024 or 15 days after  
3 the first scheduled Discovery conference in this case.  
4

5 **III. Nature and Basis of Claims and Defenses:**

6 A. The nature of the case is as follows: The Plaintiff pro se has filed a complaint  
7 for a Title VI Violation, a ADEA claim, and an EEOC Complaint.  
8

9 **B. Defendants**

10 I. Defendants deny there is sufficient facts to make a Tile VII and ADEA  
11 Claims.  
12

13 II. Defendant denies there is sufficient facts plead to show discrimination.

14 III. Defendants deny there is jurisdiction to make the six defendants  
15 that are employees of the University of Guam Defendants.  
16

17 IV. Defendants deny that there is any jurisdiction to hear any untimely  
18 claims.  
19

20 V. Defendants deny that there is jurisdiction to hear any claims raised for  
21 the first time.

22 The Pro Se Plaintiff has filed the following motions:

23 1. Motion for entry of Default (ECF 29)

24 Defendant Government of Guam has filed the following motions:

25 1. Motion to Dismiss (ECF 18);  
26  
27  
28



1 **Waiver of Pretrial Requirements:**

2 The parties request the court waive the pretrial requirements of  
3 CVLR 16-1(e)–(h).  
4

5 **IV. Discovery Plan:**

6 The Parties agree on moving forward discovery.

7 A. In the event that neither parties motions are granted; the parties expect that  
8 discovery will be needed on the following issues:  
9

10 1. Plaintiff pro se anticipates: The need for interrogatories, production of  
11 documents, and admissions concerning:  
12

13 Further, at a minimum plaintiff has identified the following individuals for  
14 possible depositions, which might then require additional discovery:

15 a. Other individuals as may be identified in discovery.

16 2. Defendants Discovery anticipates taking plaintiff's deposition and other  
17 individuals as may be identified in discovery:  
18

19 B. Are there issues about preserving discovery information? ☐ Yes ☒ No.

20 C. Disclosure or discovery of electronically stored information should be handled  
21 as follows:  
22

23 D. Claims of privilege or of protection of trial preparation materials.

24 1. ☒ There is no indication that this will be an issue.

25 E. Disclosure of expert reports:

26 I. By all parties on or before: October 15, 2024.  
27  
28

1           2. By plaintiff(s) on or before: September 3, 2024.

2           3. By defendant(s) on or before: September 17, 2022.

3           4. Rebuttal reports on or before: October 16, 2022.

4  
5       F. Time for completing discovery:

6           1. Fact discovery will be completed on or before: November 8, 2024;

7           2. Expert discovery will be completed on or before: October 22, 2024;

8           3. All discovery will be completed on or before: November 2, 2024.<sup>1</sup>

9       G. Optional Modifications on Discovery.

10          1. The limitations contained in Fed. R. Civ. P. 26(b), 30, and 33 will apply  
11             except as indicated below;

12           i. Depositions will not exceed two (2) hours as to any deponent per day,  
13             but as by agreement, for a total of seven hours per party.<sup>2</sup>

14           ii. Depositions will not exceed two (2) hours as to non-party deponents  
15             per day, but as by agreement, for a total of seven hours per party.

16           iii. Depositions will not exceed two (2) hours as to party deponents, per  
17             day, but as agreement of the parties, for a total of seven hours per  
18             party.<sup>3</sup>

19  
20  
21  
22       <sup>1</sup> Defined as the last day to file responses to discovery.

23       <sup>2</sup> Each party shall be allowed seven hours to ask questions per deposition as  
24       provided in the Federal Rules of Evidence. Each deposition shall be continued such  
25       that any deposition will not last more than two hours in a given day, unless the parties  
26       agree that the deposition shall continue past the two hours in a given day.

27       <sup>3</sup> Unless otherwise specified, the court will consider corporate officer, Rule  
28       30(b)(6) witness, and expert witness depositions to be subject to the time limitation

1 iv. The maximum number of interrogatories posed by each party will not  
2 exceed 40.

3 v. The maximum number of requests for admissions posed by each party  
4 will not exceed 40.

5 vi. Other limitations:  
6

7 **V. Pretrial Motions.**

8 A. All motions to add parties shall be filed on or before September 16, 2024.

9 B. All motions to otherwise amend pleadings shall be filed on or before  
10 September 16, 2024.

11 C. All discovery motions shall be filed on or before November 5, 2024.

12 D. All dispositive motions shall be filed on or before November 29, 2024.  
13

14 **VII. Trial.**

15 A. The case is expected to take 2 days to try.

16 B. Jury Trial

17 1. The Plaintiff; pro se has asked for a Jury Trial

18 2. There is no right to for a Jury Trial.  
19

20 A. The Plaintiff request a trial date of February 13, 2025.<sup>4</sup>

21 1. That a Pretrial Conference be scheduled two weeks before trial.

22 2. That two weeks before the scheduled pretrial conference that void ire,  
23 Proposed jury instructions, and trial brief of the parties be required.  
24

25  
26 applicable to party depositions.

27 <sup>4</sup> In no event shall the trial be later than eighteen (18) months after the complaint  
28 is filed, unless the Court otherwise allows).



VIII. Other Provisions:

A. Early settlement/alternative dispute resolution.

1. ☐ The parties certify that they have complied with the provisions of CVLR Rule 16-2(c)(1).
2. Do the parties wish to consider ☐ private mediation, ☐ arbitration, or ☒ settlement conference with a judicial officer of this court? ☒ Yes ☐ No. If No, explain.

B. The parties present the following suggestions for shortening trial. None at this time.

C. The following issues will also affect the status or management of the case:

1. Request of Plaintiff would request to be allowed to amend complaint if Defense motions to dismiss would otherwise be granted.
2. Defendant Government of Guam plans to file a request for interlocutory relief if motions to dismiss are not granted.

Date: \_\_\_\_\_

YE-KYOUNG KIM, Esq., Plaintiff pro se

Date: \_\_\_\_\_

Botha Graham, Deputy Attorney General,  
co-counsel for Defendants

Date: \_\_\_\_\_

William B. Pole,  
Special Assistant Attorney General,  
co-counsel for Defendants